



H.R. 2399 - To amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes

Floor Situation

H.R. 2399 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Baron Hill (D-IN) on May 21, 2007. This bill has not been considered by any Committee in the 110th Congress.

H.R. 2399 is expected to be considered on the floor on May 22, 2007.

**Note: This legislation was introduced late on the evening of May 21, 2007, and the text was not available until May 22, 2007, the same day on which the bill is being considered on the floor of the House. In addition, it is expected that the bill will be called up and immediately amended in the nature of a substitute on the floor today. Neither this bill nor any amendments to the bill have been considered by any Committee in the 110th Congress.*

Summary

H.R. 2399:

- Requires the Department of Homeland Security to conduct checks on any alien smugglers or smuggled individuals that are apprehended at any U.S. borders against all available terrorist watch lists.
- Sets specific penalties for individuals convicted of smuggling illegal aliens into the United States of:
 - Up to 5 years incarceration for smuggling;
 - Up to 20 years for smuggling that results in serious bodily injury; and,
 - The death penalty or life in prison for smuggling that results in death.

- Sets mandatory minimum penalties for smugglers convicted of smuggling for commercial or personal gain and for smuggling an alien into the U.S. to commit a felony.
- Adds up to an additional 30 years imprisonment for alien smugglers convicted of smuggling a person who intends to engage in terrorist activity.
- Adds up to an additional life sentence if the smuggler is convicted and the offense involves kidnapping or attempted kidnapping, aggravated sexual abuse or attempted aggravated sexual abuse, or attempted homicide.
- Amends U.S. maritime law to add the following penalties:
 - Up to 10 years imprisonment for maritime offenses committed in the course of smuggling, trafficking, shipping, stolen property, drug, and other offenses.
 - Up to 15 years for offenses resulting in serious bodily injury.
 - Up to life in prison for an offense resulting in death, or involving kidnapping, aggravated sexual abuse, or attempted homicide.
- Limits the ability to which defendants in both alien smuggling and maritime offense cases can employ the use of “necessity” as a defense.
- Directs the U.S. Sentencing Commission to promulgate regulations in accordance with this legislation.

Background

Within the Department of Homeland Security's (DHS) Customs and Border Protection (CBP), the U.S. Border Patrol (USBP) is charged with securing our nation's land and maritime borders between official ports of entry (POE) to deter and interdict terrorists, weapons of mass destruction, and aliens attempting to enter the country unlawfully. In order to discharge its duties, the USBP deploys personnel, technology, and tactical infrastructure such as vehicle barriers and fencing. Fencing is erected on the border to impede the illegal entry of unauthorized aliens, while vehicle barriers are designed to impede the entry of vehicles but do not impede the entry of individuals. ([CRS: RL 33659](#))

Trafficking in persons for sexual exploitation or forced labor, both within a country and across international borders, is a lucrative criminal activity that is of major concern to the United States and the international community. While most trafficking victims still appear to originate from South and Southeast Asia or the former Soviet Union, human trafficking is a growing problem in Latin America and the Caribbean. Countries in Latin America serve as source, transit, and destination countries for trafficking victims. Latin

America is also a primary source for the up to 17,500 people that are trafficked to the United States each year. ([CRS: RL 33200](#))

Cost

This bill has not been scored by the Congressional Budget Office (CBO).

Staff Contact

For questions or further information contact Matt Lakin at (202) 226-2302.